

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

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Tuesday, September 30, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **McKeague, Griffin, Polster**

13-6167 USA v. Luther Smith, Jr.

3:09-cr-00167-1

Middle District of Tennessee at Nashville

W. Haynes

Defendant appeals his jury conviction and sentence for income tax evasion and filing a false and fraudulent tax return. (15 Minutes Per Side)

14-5047 Gary Vander Boegh v. EnergySolutions, Inc., et al.

5:10-cv-00031

Western District of Kentucky at Paducah

T. Russell

Plaintiff appeals the summary judgment for defendant in this action alleging retaliation under the Energy Reorganization Act, the False Claims Act, and various environmental statutes. (15 Minutes Per Side)

14-5063 Frederick Morrow v. State of Tennessee, et al.

3:06-cv-00955

Middle District of Tennessee at Nashville

W. Haynes

Petitioner appeals a district court judgment dismissing his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

14-3173 Barbara Moore v. Christine Money, et al.

2:11-cv-00122

Southern District of Ohio at Columbus

A. Marbley

Defendants appeal the denial of their motion for summary judgment on grounds of qualified immunity in this action brought by a Juvenile Corrections Officer claiming retaliation in violation of her First Amendment rights. (15 Minutes Per Side)

13-4475 Nachizonde Phiri v. Eric Holder, Jr.

a086 975 556 - cle Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

Tuesday, September 30, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, Rogers, Donald**

13-2513 USA v. Jose Sierra-Villegas

1:12-cr-00208-1 Western District of Michigan at Grand Rapids R. Jonker

In this criminal action tried to a jury, defendant appeals his conviction of conspiracy to possess with intent to distribute and to distribute methamphetamine and possession with intent to distribute methamphetamine. (15 Minutes Per Side)

14-5069 Charlie Lilly v. City of Erlanger, et al.

2:11-cv-00133 Eastern District of Kentucky at Covington W. Bertelsman

Plaintiff appeals the summary judgment for defendants in this civil rights action alleging various violations for her constitutional rights and state-law claims arising from her arrest. (15 Minutes Per Side)

13-1260 Frederick Grumbley v. Sherry Burt

1:10-cv-10240 Eastern District of Michigan at Bay City T. Ludington

The petitioner appeals the district court's judgment denying his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

14-3010 Sunny Ridge Mining Company, In v. Herbert Keathley, et al.

13-0211 bla Benefits Review Board

Petitioner seeks review of a decision of the Benefits Review Board affirming an administrative law judge's decision and order on remand awarding benefits under the Black Lung Benefits Act. (15 Minutes for Petitioner; 15 Minutes to be Shared by Respondents)

13-2529 Benita Cheatom v. Quicken Loans, Incorporated, et al.

4:13-cv-12440 Eastern District of Michigan at Flint T. Berg

Plaintiff appeals the dismissal of her action alleging predator lending practices as barred by the statute of limitations. (To Be Submitted On Briefs)

Tuesday, September 30, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Guy, Clay, White**

13-2287 USA v. Samuel Richardson

1:11-cr-20669-1

Eastern District of Michigan at Bay City

T. Ludington

In this criminal action tried to a jury, the defendant appeals his conviction of possession with intent to distribute cocaine base and possession of a firearm by a felon. (15 Minutes Per Side)

14-3002 Yoder & Frey Auctioneers, Inc, et al. v. EquipmentFacts, LLC

3:10-cv-01590

Northern District of Ohio at Toledo

D. Katz

Defendants appeal the judgment entered pursuant to a jury's verdict in favor of plaintiffs, the denial of their motion for judgment notwithstanding the verdict, and the imposition of sanctions in this action alleging that defendants used computers and the internet to wrongfully access the online bidding systems of plaintiffs located and operated within the State of Ohio for actions conducted within the State of Florida. (15 Minutes Per Side)

13-6645 USA, et al. v. Chattanooga-Hamilton Co Hosp.

3:11-cv-00206

Middle District of Tennessee at Nashville

T. Campbell

Plaintiff appeals the summary judgment for defendant in this civil action under the False Claims Act. (15 Minutes Per Side)

13-4269 John Smith, Jr. v. Norm Robinson

2:11-cv-00844

Southern District of Ohio at Columbus

M. Watson

Petitioner appeals the district court's denial of his petition for a writ of habeas corpus, filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

13-6283 USA v. Sean Widmer

3:10-cr-00078-1

Eastern District of Tennessee at Knoxville

T. Varlan

Defendant appeals his conviction for receipt of child pornography. (15 Minutes Per Side)

14-5032 Gary Creech v. SSA

5:13-cv-00087

Eastern District of Kentucky at Lexington

A. Thapar

Plaintiff appeals a district court's order upholding the denial of disability and disability insurance benefits under the Social Security Act. (To Be Submitted On Briefs)

Wednesday, October 01, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **McKeague, Griffin, Polster**

14-5193 Milan Express Co., Inc. v. Applied Underwriters Captive

[1:13-cv-01069](#)

Western District of Tennessee at Jackson

E. Bryant

J. Breen

Defendant appeals the denial of its motion to compel arbitration. (15 Minutes Per Side)

14-5017 William Eakes, III v. David Sexton

[3:10-cv-00367](#)

Middle District of Tennessee at Nashville

W. Haynes

Petitioner appeals the district court's denial of his petition for a writ of habeas corpus, filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

13-6508 USA v. Richard Norris

[2:13-cr-00007-1](#)

Eastern District of Tennessee at Greeneville

R. Jordan

Defendant appeals his conviction for providing a firearm to a prohibited person. (15 Minutes Per Side)

13-2220 USA v. Lance Laird

[1:13-cr-00026-2](#)

Western District of Michigan at Grand Rapids

R. Jonker

In this criminal action tried to a jury, defendant appeals his conviction of conspiracy to possess with intent to distribute cocaine. (To Be Submitted On Briefs)

13-1010 Ilanit Rubin v. Fannie Mae

[2:12-cv-12832](#)

Eastern District of Michigan at Detroit

D. Hood

Plaintiff appeals the dismissal of her action challenging the sale of her property following a foreclosure of a residential mortgage. (To Be Submitted On Briefs)

13-1249 Federal Home Loan Mortgage Cor v. Enyka Gaines, et al.

[2:12-cv-12131](#)

Eastern District of Michigan at Detroit

J. Cook

P. Komives

Defendants appeal the judgment on the pleadings for plaintiff in this action arising from a residential mortgage foreclosure. (To Be Submitted On Briefs)

13-1477 Linda Bernard v. Federal National Mortgage Ass, et al.

[2:12-cv-14680](#)

Eastern District of Michigan at Detroit

A. Cohn

Plaintiff appeals the summary judgment for defendants in this action alleging wrongful foreclosure under Michigan's foreclosure by advertisement statute, due process violations, and violation of the Fair Housing Amendments Act of 1988. (To Be Submitted On Briefs)

Wednesday, October 01, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, Rogers, Donald**

14-1137 Stacy Fry, et al. v. Napoleon Community Schools, et al.

[2:12-cv-15507](#)

Eastern District of Michigan at Detroit

L. Zatkoff

Plaintiffs appeal the dismissal of their action for failure to exhaust their administrative remedies under the Individuals with Disabilities Act. (15 Minutes Per Side)

13-4219 USA v. Richard Miezin

[1:13-cr-00015-1](#)

Northern District of Ohio at Cleveland

J. Adams

Defendant appeals the judgment entered following his guilty plea to receipt/distribution of visual depictions of minors engaged in sexually explicit conduct. (15 Minutes Per Side)

14-1178 Mary Jane Gross, et al. v. Dearborn Heights, City of, et al.

[2:12-cv-15268](#)

Eastern District of Michigan at Detroit

V. Roberts

Plaintiffs appeal the summary judgment for defendants in this civil rights action alleging claims for illegal entry, unlawful seizure, use of excessive force, violation of due process, malicious prosecution, deliberate indifference to a serious medical need, and free speech retaliation. (15 Minutes Per Side)

14-3306 Collins Inkjet Corporation v. Eastman Kodak Co.

[1:13-cv-00664](#)

Southern District of Ohio at Cincinnati

M. Barrett

Defendant Eastman Kodak Co. appeals a district court order granting plaintiff Collins Inkjet Corp.'s motion for a preliminary injunction requiring non-differential pricing of Kodak's Versamark printhead refurbishment services for Collins-brand Versamark ink and Kodak-brand Versamark ink. (15 Minutes Per Side)

13-2731 V Cars, LLC v. Chery Automobile Co., Ltd., et al.

[2:08-cv-13113](#)

Eastern District of Michigan at Detroit

A. Tarnow

M. Majzoub

In this RICO action submitted to arbitration, plaintiff appeals the denial of its post-arbitration motion to file an amended complaint. (To Be Submitted On Briefs)

13-3987 USA v. Deondray Bradley

[5:11-cr-00084-1](#)

Northern District of Ohio at Akron

D. Dowd

Defendant appeals the judgment entered following his guilty plea to possession with intent to distribute heroin and conspiracy to obstruct justice/tamper with a witness. (To Be Submitted On Briefs)

Wednesday, October 01, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Guy, Clay, White**

13-5753 USA v. Christopher Clark

2:06-cr-20339-1

Western District of Tennessee at Memphis

D. Vescovo

T. Russell

Defendant appeals the judgment entered following a jury verdict finding him guilty of carjacking, felon in possession of a firearm, assault on a federal officer, and additional related offenses. (15 Minutes Per Side)

14-3027 USA v. David Payne

3:12-cr-00155-1

Southern District of Ohio at Dayton

T. Rose

Defendant appeals his conviction and sentence following his guilty plea to felon in possession of a firearm. (15 Minutes Per Side)

14-5146 Ronald Chisholm v. American Cold Storage, Inc., et al.

3:09-cv-00808

Western District of Kentucky at Louisville

C. Simpson

Plaintiff appeals, and defendants cross-appeal, the judgment for defendants in this diversity suit for breach of contract and related claims. (15 Minutes Per Side)

13-4362 USA v. State of Ohio, et al.

2:11-cv-00383

Southern District of Ohio at Columbus

J. Graham

Plaintiff appeals the summary judgment for defendants in this dispute over coal mine interests in land associated with the Tom Jenkins Dam and Burr Oak Reserve. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

14-3154 Ohio Right to Life Society v. Ohio Elections Commission, et al.

2:08-cv-00492

Southern District of Ohio at Columbus

E. Deavers

G. Smith

Plaintiff appeals a district court order granting in part and denying in part its application for attorney's fees in this action challenging the constitutionality of Ohio's campaign finance laws. (To Be Submitted On Briefs)

14-5157 Bridgette Snyder v. Kohl's Department Stores, Inc.

5:12-cv-00362

Eastern District of Kentucky at Lexington

D. Reeves

Plaintiff appeals the summary judgment for defendant in this civil action for false imprisonment and related claims, arising from her detention by store employees who wrongfully suspected her of shoplifting. (To Be Submitted On Briefs)

Wednesday, October 01, 2014

403 - 4th Floor Courtroom, 1:30 P.M.

Before: **Merritt, Griffin, White**

11-5707 Roger Wheeler v. Thomas Simpson

3:09-cv-00336

Western District of Kentucky at Louisville

J. McKinley

Petitioner, sentenced to death, appeals the dismissal of his petition for a writ of habeas corpus. (30 Minutes Per Side)

Wednesday, October 01, 2014

607 - 6th Floor West Courtroom, 3:30 P.M.

Before: **Rogers, McKeague, White**

09-5517 USA v. Rejon Taylor

1:04-cr-160-1

Eastern District of Tennessee of Chattanooga

C. Collier

Having been tried to a jury, Defendant appeals his conviction of carjacking resulting in death, firearms murder during and in relation to carjacking, kidnapping resulting in death, and firearms murder during and in relation to kidnapping, his sentence of death, and the denial of his motion for a new trial. (30 Minutes Per Side)

Thursday, October 02, 2014

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Siler, Clay, Griffin**

14-3266 Joseph Libretti, Jr. v. Steven Woodson[1:13-cv-00932](#)

Northern District of Ohio at Cleveland

D. Polster

Plaintiff appeals the dismissal of his complaint and the denial of his motion to alter or amend in this action alleging that defendant, a now retired DEA Agent, did not have probable cause to search plaintiff's residence and safe deposit box, that the search warrant authorized a broader search than was reasonable, and that the seizure exceeded the scope of the warrant. (15 Minutes Per Side)

13-2308 USA v. Rufus Robinson[2:09-cr-20091-1](#)

Eastern District of Michigan at Detroit

A. Tarnow

In this action remanded for resentencing, the government appeals the sentence imposed on the defendant for possession of child pornography. (15 Minutes Per Side)

14-5219 Lisa Peterson, et al. v. James Dean, et al.[3:09-cv-00628](#)

Middle District of Tennessee at Nashville

J. Brown

K. Sharp

Plaintiffs appeal the summary judgment for defendants in this civil rights action alleging constitutional violations arising from their termination on the basis of their political party affiliation. (15 Minutes for Plaintiffs; 15 Minutes to be Shared by Defendants)

14-3093 JoAnn Snyder, et al. v. USA, et al.[1:13-cv-00284](#)

Southern District of Ohio at Cincinnati

S. Spiegel

Plaintiffs appeal the dismissal of their civil rights claims brought against various participants in a joint task force of the FBI and the Cincinnati Police Department formed to investigate the illegal sale of prescription narcotics. (15 Minutes Per Side)

14-3215 Eric White v. Duke Energy Kentucky, Inc.[1:12-cv-00633](#)

Southern District of Ohio at Cincinnati

K. Litkovitz

S. Spiegel

Plaintiff appeals the summary judgment entered for defendants in this action alleging that his employment was terminated on account of his race in violation of Title VII of the Civil Rights Act and state law. (15 Minutes Per Side)

14-5231 USA v. Johnny Moore, Jr.[1:13-cr-10057-1](#)

Western District of Tennessee at Jackson

J. Breen

Defendant appeals his conviction for various firearms offenses. (To Be Submitted On Briefs)

Thursday, October 02, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, McKeague, White**

13-6418 USA v. Charles Adams

[5:12-cr-00114-1](#)

Eastern District of Kentucky at Lexington

K. Caldwell

Defendant appeals his conviction for retaliating against a witness. (15 Minutes Per Side)

14-1074 Milton Spokojny v. Hillard Hampton, et al.

[2:12-cv-11402](#)

Eastern District of Michigan at Detroit

A. Tarnow

M. Hluchaniuk

In this employment discrimination action, plaintiff appeals the summary judgment for the defendants and the denial of his motion for reconsideration. (15 Minutes Per Side)

13-2269 Consolidated Rail Corporation, et al. v. Grand Trunk Western Railroad

[2:09-cv-10179](#)

Eastern District of Michigan at Detroit

M. Majzoub

N. Edmunds

In this diversity breach of contract action tried to a jury, the defendant appeals the judgment for the plaintiffs and the denial of its post-judgment motion for a judgment as a matter of law, a new trial, or a remittitur. (15 Minutes Per Side)

13-4282 Samuel Niswonger v. PNC Bank Corp. and Affiliates, et al.

[3:12-cv-00374](#)

Southern District of Ohio at Dayton

T. Rose

Plaintiff appeals the judgment for defendant in this ERISA action challenging the denial of his claim for disability insurance benefits under the applicable definition of "any occupation." (To Be Submitted On Briefs)

13-1824 USA v. Jeron Gaskin

[2:11-cr-20178-1](#)

Eastern District of Michigan at Detroit

P. Duggan

Defendant appeals his jury conviction and sentence for conspiracy to possess with intent to distribute and to distribute controlled substances and possession with intent to distribute a controlled substance. (To Be Submitted On Briefs)

14-5181 Andrea Richardson v. Rose Transport, Inc., et al.

[5:11-cv-00317](#)

Eastern District of Kentucky at Lexington

K. Caldwell

R. Wier

Plaintiff appeals the judgment for defendants in this civil diversity suit arising from injuries sustained in a motor vehicle accident. (To Be Submitted On Briefs)

14-5270 Pecola Campbell, et al. v. Ronnie Bastin, et al.

[5:11-cv-00155](#)

Eastern District of Kentucky at Lexington

G. Van Tatenhove

Plaintiffs appeal the summary judgment for defendants in this civil rights action alleging excessive force, failure to train, and state-created danger. (To Be Submitted On Briefs).

Thursday, October 02, 2014

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, McKeague, White**

13-2735 USA v. Thomas Wright

[1:12-cr-00130-1](#) Western District of Michigan at Grand Rapids R. Bell

In this criminal action tried to the court, defendant appeals his conviction of sexual exploitation of a child, transportation of a minor engage in sexually explicit conduct, and possess of child pornography. (To Be Submitted On Briefs)

14-1060 James W. Boyd v. Pamela Baird

[1:13-cv-00424](#) Western District of Michigan at Grand Rapids R. Bell

The Trustee appeals the judgment affirming the bankruptcy court's order denying his motion to file an amended complaint and his motion to alter or amend the dismissal of an adversary proceeding asserting a claim for conversion. (To Be Submitted On Briefs)

13-4343 USA v. Jamil Hardy

[1:13-cr-00235-1](#) Northern District of Ohio at Cleveland D. Polster

Defendant appeals the denial of the motion to suppress evidence. (To Be Submitted On Briefs)

14-3055 Melissa Standifer v. Jacob Lacon, et al.

[1:11-cv-00293](#) Southern District of Ohio at Cincinnati S. Spiegel

Plaintiff appeals the summary judgment for the defendants in this action alleging that defendants used excessive force in the process of committing plaintiff for a mental health evaluation. (To Be Submitted On Briefs)

13-3945 USA v. Robert Berryhill

[1:13-cr-00175-1](#) Northern District of Ohio at Cleveland S. Lioi

Defendant appeals the judgment entered following his guilty plea to false impersonation of an officer or employee of the United States, aggravated identity theft, and seven counts of wire fraud. (To Be Submitted On Briefs)

Thursday, October 02, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Guy, Rogers, Donald**

14-5197 William Lawrence v. Commonwealth of Kentucky**3:13-cv-00971**

Western District of Kentucky at Louisville

C. Simpson

Appellant appeals the district court's affirmance of a bankruptcy court's order in an adversary proceeding concluding that a good faith deposit under a real estate purchase plan was not part of the debtor's estate. (15 Minutes Per Side)

13-3950 USA v. Damien Russ**4:10-cr-00309-1**

Northern District of Ohio at Youngstown

J. Adams

13-3951 USA v. Damien Russ**4:00-cr-00230-1**

Northern District of Ohio at Youngstown

J. Adams

Defendant appeals the sentence imposed following a remand from this court for felon in possession of a firearm and ammunition and the revocation of his supervised release. (15 Minutes Per Side)

13-4365 USA v. Theodore Harmon**3:12-cr-00187-1**

Northern District of Ohio at Toledo

J. Carr

Defendant appeals his jury conviction and sentence for attempted enticement. (15 Minutes Per Side)

13-2067 USA v. Roland Uwazurike**2:08-cr-20065-1**

Eastern District of Michigan at Detroit

A. Cohn

Defendant appeals the final judgment entered on a jury verdict of guilty of conspiracy to possess with intent to distribute and to distribute heroin. (To Be Submitted On Briefs)

14-3144 Mickael Wamen, et al. v. Goodyear Tire & Rubber Co.**5:13-cv-01084**

Northern District of Ohio at Akron

S. Lioi

Plaintiffs appeal the dismissal for failure to exhaust their administrative remedies of their complaint brought on behalf of their minor child under the Individuals with Disabilities Education Act. (To Be Submitted On Briefs)

14-1023 Raad Jarbo, et al. v. The Bank of New York Mellon**2:13-cv-11333**

Eastern District of Michigan at Detroit

S. Murphy

In this wrongful foreclosure action removed from state court, the plaintiffs appeal the dismissal of their complaint for failure to state a claim for relief and the denial of reconsideration. (To Be Submitted On Briefs)

14-1105 Lai Chui v. Patrick Donahoe**1:11-cv-00119**

Western District of Michigan at Grand Rapids

P. Maloney

Plaintiff appeals the summary judgment for the Postmaster General in this employment discrimination action alleging claims for race, national origin, and disability discrimination and retaliation. (To Be Submitted On Briefs)

13-2347 USA v. Emmanuel Butler**1:12-cr-00068-1**

Western District of Michigan at Grand Rapids

R. Jonker

Defendant, having been convicted of bank robbery, appeals the amended judgment entered on a remand for resentencing. (To Be Submitted On Briefs)

Friday, October 03, 2014

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Siler, Clay, Griffin**

14-5048 USA v. Derrick Ball

5:13-cr-00070-1

Eastern District of Kentucky at Lexington

D. Reeves

Defendant appeals his conviction for being a felon in possession of a firearm. (15 Minutes Per Side).

09-3226 Mary Campos v. Belen Cuellar, et al.

3:08-cv-2852

Northern District of Ohio at Toledo

J. Zouhary

In this ERISA action seeking a continuation of survivorship benefits under a pension plan, a claimant of the benefits appeals summary judgment for the defendant. (15 Minutes for Appellant)

13-4162 Tynisa Williams, et al. v. City of Cleveland

1:09-cv-02991

Northern District of Ohio at Cleveland

B. Pearson

Plaintiffs appeal the dismissal of their putative class action complaint challenging the constitutionality of the City of Cleveland House of Correction's strip search policies and intake procedures. (15 minutes per side)

13-5790 USA v. David Miner

3:11-cr-00025-1

Eastern District of Tennessee at Knoxville

C. Shirley

T. Phillips

Defendant appeals the judgment entered following a jury verdict finding him guilty of obstructing or impeding due administration of Internal Revenue Laws, and failure to file a tax return. (15 Minutes Per Side)

13-6594 USA v. Ernest Grubbs

6:02-cr-00084-2

Eastern District of Kentucky at London

D. Reeves

Defendant appeals the denial of his motion to issue a certificate of innocence. (To Be Submitted On Briefs)

14-5397 Ellen Nichols v. Comm. of Social Security

1:13-cv-00050

Western District of Kentucky at Bowling Green

T. Russell

Plaintiff appeals a district court order affirming the denial of disability insurance benefits and supplemental security income benefits under the Social Security Act. (To Be Submitted On Briefs)

Friday, October 03, 2014

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Guy, Rogers, Donald**

14-3159 William Wells, et al. v. Brandon Rhodes, et al.

2:11-cv-00217

Southern District of Ohio at Columbus

E. Sargus

Defendants appeal the judgment for plaintiffs in this action stemming from the burning of a cross on plaintiffs' lawn. (15 Minutes Per Side)

13-4335 Zulfia Fayzullina v. Eric Holder, Jr.

a096 781 246

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies immigration relief. (To Be Submitted On Briefs)

13-5643 USA v. Joseph Weir

2:12-cr-00013-1

Eastern District of Kentucky at Covington

D. Reeves

Defendant appeals his jury conviction and sentence for kidnapping, brandishing a firearm in furtherance of a crime of violence, armed bank robbery, and possessing a firearm in furtherance of a crime of violence. (To Be Submitted On Briefs)